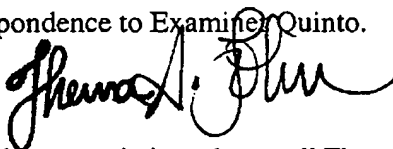


**T.A. LOBER PATENT SERVICES**45 WALDEN STREET  
CONCORD, MASSACHUSETTS 01742**PATENT REPRESENTATION BEFORE THE  
U.S. PATENT & TRADEMARK OFFICE**OFFICE 978.369.2181  
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INTERNET [lober@lober-patent.com](mailto:lober@lober-patent.com)**FACSIMILE TRANSMISSION****TO** Examiner Kevin V. Quinto  
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**FACSIMILE** 703-872-9306  
**TELEPHONE** 571 272 1920  
**DATE** 20 April 2005  
**FROM** Theresa A. Lober  
**PAGES** 3  
including this  
**RE:** Application No. : 10/612,174  
Confirmation No.: 5221  
**Applicants:** Reich et al.  
**Filed:** July 2, 2003  
**Docket No.:** MIT8806L**MESSAGE**Please deliver this correspondence to Examiner Quinto.  
Thank you for your help.

If there is a problem with this transmission, please call Theresa Lober at 978 369 2181.

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Application No. 10/612,174  
Response Dated April 20, 2005  
Reply to Examiner's Action of January 27, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Application No. : 10/612,174 Confirmation No.: 5221**

**Applicants: Robert K. Reich et al.**

**Filed: July 2, 2003**

**TC/A.U.: 2826**

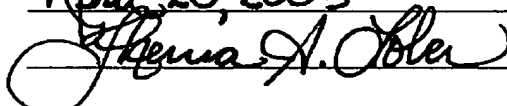
**Examiner: K. Quinto**

**Docket No.: MIT8806L**

**For: High-Speed, High-Sensitivity  
Charge-Coupled Device**

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to facsimile number: 703-872-9306, the direct  
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April 20, 2005  
  
**RESPONSE**

This is in response to the Examiner's Action mailed January 27, 2005.  
This response is made within the three month statutory period for reply.

Immediately upon receipt of the Examiner's Action, the undersigned Agent called the Examiner to discuss the Action and conduct a brief telephone interview. The Examiner is thanked for that discussion. The substance of the interview discussion is herein summarized.

The claims were rejected under 35 U.S.C. §102(e) as being anticipated by Reich et al., "High-Fill-Factor, Burst-Frame-Rate Charge-coupled Device," *International Electron Device Meeting and IEDM Technical Digest*, pp. 567-570, December 2001.

Application No. 10/612,174  
Response Dated April 20, 2005  
Reply to Examiner's Action of January 27, 2005

35 U.S.C. §102(e) requires that a prior art reference cited against a patent application itself be an application for patent or be a previously granted patent. But the Reich reference cited by the Examiner is a journal publication, not an application for patent or a previously granted patent. The Applicants therefore respectfully submit that this claim rejection is improper.

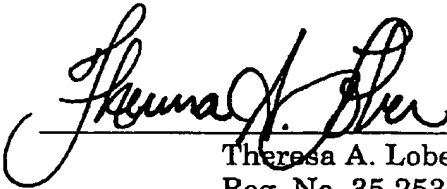
In the telephone interview, the Examiner agreed that the 35 U.S.C. §102(e) rejection of the claims was improper and indicated that he would issue a new Examiner's Action. The Applicants have not to date received a new Action and therefore request that the Examiner withdraw this rejection of the claims.

The undersigned Agent further noted in the telephone interview that on sheet 1 of the Applicants' Information Disclosure Statement, Item L was not initialed by the Examiner. Attached is sheet 1 of the IDS indicating the lack of initialing for Item L. The Examiner is requested to consider Item L and once considered, initial sheet 1 and provide a copy of the signed sheet 1 to the undersigned Agent.

If the Examiner has any questions or would like to discuss the instant application, he is encouraged to telephone the undersigned Agent at his convenience.

Respectfully submitted,

Date: April 20, 2005  
T.A. Lober Patent Services  
45 Walden Street  
Concord, MA 01742  
Telephone 978.369.2181 / Facsimile 978.369.7101

  
Theresa A. Lober  
Reg. No. 35,253  
Agent for Applicants